

HOUSE

AMENDMENT NO.\_\_\_\_

**Offered by**

\_\_\_\_ of \_\_\_\_\_

1 AMEND House Bill No. 100, Page 3, Section 188.250, Line 24, by  
 2 inserting after all of said line the following:

3 "191.715. 1. This section shall be known and may be cited  
 4 as the "Woman's Right to Know Act".

5 2. For purposes of this section, "emergency contraception"  
 6 means any drug or device approved by the Food and Drug  
 7 Administration that prevents pregnancy after intercourse.

8 3. The division of maternal, child, and family health  
 9 within the department of health and senior services shall  
 10 endeavor to raise public awareness by informing hospitals, health  
 11 care providers, pharmacists, and the community of the existence  
 12 and availability of emergency contraception. The division shall  
 13 also endeavor to promote appropriate counseling and referrals for  
 14 all contraceptive drugs and devices, including emergency  
 15 contraception, that are approved by the Food and Drug  
 16 Administration. The division shall develop and distribute

Action Taken \_\_\_\_\_

Date \_\_\_\_\_

1 information which describes the contraceptive drugs and devices  
2 that are available and stresses the availability of emergency  
3 contraception, its use and safety, and its effectiveness in  
4 preventing pregnancy if taken as soon as possible after  
5 intercourse. The information shall stress that emergency  
6 contraception is a method of pregnancy prevention that cannot  
7 harm or terminate an established pregnancy. The information  
8 shall also inform women that pursuant to section 376.1199, RSMo,  
9 health insurance plans that cover prescription drugs must also  
10 cover contraceptive drugs and devices.

11 191.717. 1. Sections 191.717 and 191.718 may be cited as  
12 the "Compassionate Assistance for Rape Emergencies (CARE) Act".

13 2. As used in sections 191.717 to 191.718, unless the  
14 context clearly indicates otherwise, the following terms shall  
15 mean:

16 (1) "Emergency care to sexual assault victims", medical  
17 examinations, procedures, or services provided at a hospital to a  
18 sexual assault victim following an alleged rape;

19 (2) "Emergency contraception", any drug or device approved  
20 by the Food and Drug Administration that prevents pregnancy after  
21 sexual intercourse;

22 (3) "Medically and factually accurate and objective",  
23 verified or supported by the weight of research conducted in  
24 compliance with accepted scientific methods and is published in

peer-reviewed journals where applicable; or comprising  
information that leading professional organizations and agencies  
with relevant expertise in the field, such as the American  
College of Obstetricians and Gynecologists (ACOG), recognize as  
accurate and objective;

(4) "Sexual assault", as defined in section 566.040, RSMo;

(5) "Sexual assault victim", a female who is alleged to  
have been raped and is presented as a patient.

191.718. 1. It shall be the standard of care for any  
hospital and any health care facility that provides emergency  
care to sexual assault victims to:

(1) Provide each sexual assault victim with medically and  
factually accurate and objective written and oral information  
about emergency contraception;

(2) Orally inform each sexual assault victim of her option  
to be provided emergency contraception at the hospital; and

(3) Provide the complete regimen of emergency contraception  
immediately at the hospital or health care facility to each  
sexual assault victim who requests it.

2. Hospitals and health care facilities shall ensure that  
each person who provides care to sexual assault victims is  
provided with medically and factually accurate and objective  
information about emergency contraception.

3. The department of health and senior services shall

1 develop, prepare, and produce informational materials relating to  
2 emergency contraception for the prevention of pregnancy for  
3 distribution to use in any hospital or health care facility in  
4 the state in quantities sufficient to comply with the  
5 requirements of this section. The director, in collaboration  
6 with community sexual assault programs, may also approve  
7 informational materials from other sources.

8 4. The information materials must:

9 (1) Be medically and factually accurate and objective;

10 (2) Be clearly written and readily comprehensible in a  
11 culturally competent manner, as the department deems necessary to  
12 inform victims of sexual assault; and

13 (3) Explain the nature of emergency contraception,  
14 including its use, safety, efficacy, and availability, and that  
15 it does not cause abortion.

16 5. The department of health and senior services shall  
17 respond to complaints and shall periodically determine whether  
18 hospitals and health care facilities are complying with the  
19 provisions of this section. The department may use all  
20 investigative tools available to verify compliance. If the  
21 department determines that a hospital or health care facility is  
22 not in compliance, the department shall:

23 (1) Impose a fine of five thousand dollars per woman who is  
24 denied medically and factually accurate and objective information

1 about emergency contraception or who is not offered or provided  
2 emergency contraception; and

3 (2) Impose a fine of five thousand dollars for failure to  
4 comply with the provisions of this section and for every thirty  
5 days that a hospital or health care facility is not in  
6 compliance, an additional fine of five thousand dollars shall be  
7 imposed."; and

8 Further amend said bill, Page 4, Section 197.200, Line 21,  
9 by inserting after all of said line the following:

10 "338.012. 1. Pharmacists have a duty to fill all lawful  
11 prescriptions properly. If a pharmacist holds sincere religious  
12 beliefs that are inconsistent with filling any lawful  
13 prescription, such pharmacist shall:

14 (1) Notify his or her employer or prospective employer in  
15 writing as soon as possible of the prescriptions he or she  
16 refuses to fill; and

17 (2) Fill the prescription unless his or her employer can  
18 accommodate the pharmacist's belief without undue hardship to the  
19 employer or customers.

20 2. For purposes of this section the following factors  
21 should be considered in determining what constitutes an undue  
22 hardship:

23 (1) The need of the customer to have the prescription  
24 filled in the equivalent time period as the pharmacy is filling

1 other prescriptions of in-stock medications or devices at the  
2 time such an accommodation would be made;

3 (2) The financial cost of implementing such an  
4 accommodation; and

5 (3) The effect such an accommodation would have on an  
6 employer's reputation or good will in the community.

7 3. A pharmacist has a duty to treat each customer in a  
8 nonjudgmental manner and ensure that each customer is not  
9 subjected to indignity, humiliation, breaches of confidentiality,  
10 or pressure to fill or not to fill the prescription, regardless  
11 of whether an accommodation has been implemented under  
12 subdivision (2) of subsection 1 of this section.

13 4. Violation of the provisions of this section shall  
14 subject the license of the pharmacist to disciplinary action  
15 under section 338.055.

16 5. A person or governmental entity who believes that a  
17 violation of this section exists may make an allegation of that  
18 fact to the board in writing."; and

19 Further amend said title, enacting clause and intersectional  
20 references accordingly.